

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARRYL SCOTT NICHOLS,

Defendant.

2:11-cr-00300-PMP-PAL

**PROPOSED RULING ON UNOPPOSED
MOTION TO CONTINUE SENTENCING**

FINDINGS OF FACT

Based on the Government's pending Unopposed Motion to Continue Sentencing, and good cause appearing therefore, the Court hereby finds that:

1. The parties are in agreement to continue the Sentencing date as presently scheduled.
2. This Court is convinced that an adequate showing has been made that to deny this request for continuance, taking into account the exercise of due diligence, would deny the United States sufficient time to be able to effectively prepare for the co-conspirator and target trials and would bar the defendant from the opportunity to cooperate and potentially receive a downward departure at the time of sentencing. This decision is based on the following findings:
 - a. The defendant agreed in his plea agreement to cooperate against his co-conspirators in any related indictments and trials.
 - b. The United States agreed to consider downward sentencing concessions for the defendant's cooperation, including a possible U.S.S.G. 5K1.1 Motion if substantial assistance resulted from such cooperation.
 - c. The United States anticipates several additional pleas, indictments and trials in related cases within the year, but does not expect these cases to conclude for several more months after the currently scheduled sentencing hearing.

1 d. The parties need additional time to prepare the defendant's cooperation against other
2 co-conspirators and targets.

3 e. The defendant does not object to the continuance.

4 f. The defendant is out of custody.

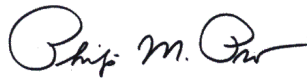
5 3. For all the above-stated reasons, the ends of justice would best be served by
6 continuing the Sentencing date.

7 4. The additional time requested by this Stipulation is excludable in computing
8 the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
9 Section 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections 3161(h)(8)(B)(I) and (v).

10 **ORDER**

11 **IT IS THEREFORE ORDERED** that the Sentencing dates currently set for November 9,
12 2012 is vacated and continued. This delay is excluded from the time within which the trial must
13 commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A).
14 It is further ordered that the sentencing is continued to Monday, February 11, 2013,
15 at 9:00 a.m. in Courtroom 7C.

16
17 **DATED** this __ 21st day of August, 2012.

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21 UNITED STATES DISTRICT JUDGE